THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16396 of 2006

Dated:23.11.2006

Between

K.Ramudu

.....Petitioner

and

1.The Joint Collector, Kurnool

Kurnool District and another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16396 of 2006

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 2nd respondent in issuing the proceedings in Rc.No.B.82/2006 dated 16.2.2006 cancelling the authorization of the petitioner without considering his explanation as arbitrary and illegal.

It appears that the petitioner is the fair price shop dealer of Nanoor Village, Orvakal Mandal, Kurnool District. While so, under the impugned proceedings dated 16.2.2006, the authorization of the petitioner was cancelled for the following charges.

Charge-I : The FP shop dealer is selling Essential Commodities at higher rates.

Charge-II: That the FP shop dealer has been distributing the Essential Commodities only for two or three days instead of whole month.

It seems that before passing the final orders, a show cause notice has been issued to the petitioner, for which, he has submitted his explanation. The petitioner denied the charges framed against him and stated that due to village politics, the complaint was fabricated. Further, it is unfortunate that the 2nd respondent-Revenue Divisional Officer stated that in support of his version, the petitioner did not produce any record in this case. It seems that an enquiry was conducted by the Mandal Revenue Inspector into the allegations and recommended for necessary action against the petitioner.

I am of the opinion that firstly, the charges as noticed above are trivial and general in nature and no specific incident is alleged against the petitioner. Further, the reasons furnished for rejecting the explanation or supporting the charges are not based on any record. Except stating that the Mandal Revenue Inspector has enquired into the allegations and recommended for taking action nothing is stated. The order passed by the 2nd respondent-Revenue Divisional Officer suffers from gross violation of principles of natural justice apart from being cryptic and not supported by any cogent reasons.

In view of the above, the impugned order is liable to be set aside.

Writ petition is allowed and the order impugned is set aside. No costs.

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23-11-2006

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